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CANADA

In re Application of	:	
VERCHERE et al.	:	
Serial No.: 10/502,283	:	DECISION ON
PCT No.: PCT/IB03/00597	:	
Int. Filing Date: 23 January 2003	:	PETITION UNDER
Priority Date: 23 January 2002	:	
Attorney's Docket No.: 07891-032002	:	37 CFR 1.47(a)
For: METHOD OF TREATING DIABETES	:	

This is a decision on applicants' "Petition under 37 CFR 1.47(a)", filed on 13 November 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 22 July 2004, within the thirty month period, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 01 March 2005, a Notification of Missing Requirements was mailed to applicant indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration, after the thirty month period, was required.

On 01 August 2005, applicant filed a Response to the Notification of Missing Requirements. On 01 September 2006, a Notification of Acceptance was mailed to applicant, indicating the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) were fulfilled.

On 13 November 2007, applicant filed a petition under 37 CFR 1.47(a) because one inventor, Peter Liston, refused to sign a Revocation of Power of Attorney/New Power of Attorney and Change of Correspondence Address.

DISCUSSION

As set forth in MPEP §402.10 Appointment/Revocation by Less Than All Applicants or Owners, Papers

Papers giving or revoking a power of attorney in an application generally require signature by all the applicants or owners of the application. Papers revoking a power of attorney in an application (or giving a power of attorney) will not be accepted by the Office when signed by less than all of the applicants or owners of the application unless they are accompanied by a petition under 37 CFR 1.36(a) and fee under 37 CFR 1.17(f) with a showing of sufficient cause (if revocation) or a petition under 37 CFR 1.183 and fee under 37 CFR 1.17(f) (if appointment) demonstrating the extraordinary situation where justice requires waiver of the requirement of 37 CFR 1.32(b)(4) that the applicant, or the assignee of the entire interest of the applicant sign the power of attorney.

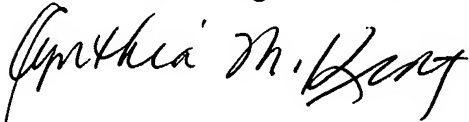
The petition under 37 CFR 1.47(a) is dismissed as moot as it does not apply to the given situation, where the declaration, executed by all the inventors, has been provided and is acceptable.

Applicant is advised to obtain the signature of the assignee of record to seek revocation/appointment of power of attorney. See 37 CFR 1.36.

CONCLUSION

For the above reasons, the renewed petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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